

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

v.

Trends Investments Inc., et al.,
Defendants.

CIVIL ACTION NO.: 22-10889-RGS

**DEFENDANT BENDELAC'S MOTION FOR LEAVE OF COURT TO FILE
A SEPARATE ACTION AGAINST INDIVIDUAL GOVERNMENT
EMPLOYEES AND THE SEC FOR CONSTITUTIONAL VIOLATIONS**

I. INTRODUCTION

Defendant Roger Bendelac ("Defendant") respectfully moves this Court for leave to file a separate action against individual government employees, specifically those associated with the Securities and Exchange Commission ("SEC"), for their roles in violations of constitutional processes. This action is distinct from the current SEC claim and addresses significant misconduct that has occurred in the Defendant's place of residence, where the offenses were believed to have been committed.

II. FACTUAL BACKGROUND

Unconstitutional Conduct: Defendant alleges that certain government employees, including members of the SEC, engaged in unconstitutional conduct that irreparably compromised the integrity of the proceedings, thereby violating the Defendant's rights under the 4th, 6th, 9th, and 14th Amendments.

Manipulation of Testimony: There is substantial evidence indicating that testimonies were manipulated and orchestrated in a manner that prejudiced the Defendant's case, involving three-way interference between the SEC, the U.S. Attorney's Office, and external attorneys.

Frivolous Attacks on Family Members: Aside from witness manipulations, the SEC, in collaboration with quasi-government organizations, launched frivolous attacks on the Defendant's family members. These attacks originated from Boston and targeted the Defendant's household in New York, resulting in severe damage. False collateral actions were brought through quasi-government agencies, depriving the Defendant's family of income that would have been allocated to legal costs and representation.

Interference with Legal Process: The SEC improperly used the office of the U.S. Attorney's Office in Boston, influencing their assignment to this venue to gain an advantage by using that external office, which should not be involved in a civil case. This interference forced the Defendant into a choice of resource allocations that deprived him of competent legal support in this civil case, where the government has no obligation to provide representation to the Defendant. Yet, the fact that it is a government agency suing had the same effect as a punishment prior to trial with constant publicity and ambiguous press releases.

III. LEGAL ARGUMENT

Separate Jurisdiction: The requested action is independent of the current SEC proceedings and addresses distinct constitutional violations that warrant a separate judicial review. The principles established in *Kyles v. Whitley*, *Brady v. Maryland*, *Giglio v. United States*, *United States v. Bagley*, and *Napue v. Illinois* provide a legal foundation for addressing these constitutional breaches.

Due Process Violations: The Defendant's ability to receive a fair trial has been compromised due to unconstitutional interference, manipulative practices, and withholding of material evidence by government employees, as outlined in the cases.

Appropriate Venue: This lawsuit cannot be addressed in this Court, as the Court has previously claimed it has no authority to address constitutional issues. The Defendant believes that only a federal court can address these constitutional violations, and courts in the Southern District of New York, which is the right venue for this Defendant, have in the past reviewed cases where violations of constitutional rights have occurred. The threats and manipulations alone, as a totality, constitute violations of rights that can be remedied in a federal court. The Southern District of New York is the appropriate forum for these matters that are distinct from what could be counterclaimed here.

Named Defendants in the Lawsuit: The agencies and other organizations and individuals to be named in the lawsuit initially include: SEC, a government agency; FINRA, a self-regulatory organization, with possibly some of its employees to be named;

Mr. Trevor Donelan, the so-called former colleague of Mr. Scheffler no longer employed by the SEC, who was the so-called 'dot connector' as per Mr. Scheffler's representation; Mr. Martin Healey, who heads the Boston Regional Office for the SEC that knew or should have known of the pervasive violations in his office; Mr. Gurbir Grewal, Head of Litigation for the SEC, who knows of these tactics and has made public pronouncements that basically make any SEC subject of a lawsuit guilty before trial; Mr. Gary Gensler, Chairman of the SEC, who has publicly lied claiming a lack of resources to pursue serious cases, yet has four attorneys facing a pro se defendant in this case, where this defendant has had zero gain in the falsely alleged scheme and no involvement. Although Mr. David Scheffler should be named, he will not be. Mr. Scheffler should be named, but due to this Court's decision not to allow his removal from this case, he will be the equivalent of an unindicted co-conspirator in my lawsuit.

IV. REQUEST FOR LEAVE

Leave to File Constitutional Case: Defendant seeks leave to file a constitutional lawsuit against the SEC and its involved employees in the Southern District of New York. This action aims to address the constitutional issues that may have irreparably harmed the Defendant's ability to receive a fair trial in the current case but that in any event created actionable damage to the Defendant.

V. CONCLUSION

For the foregoing reasons, Defendant Roger Bendelac respectfully requests that this Court grant leave to file a separate constitutional action against the individual government employees and the SEC in the appropriate jurisdiction. This action will ensure that the Defendant's rights are adequately addressed, and that justice is served.

Respectfully submitted,

s/s Roger Bendelac
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

No attempt to confer has been made since this is not a matter to resolve in this lawsuit.

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, a true and correct copy of the foregoing Motion for Leave of Court was served upon all counsel of record via the Court's electronic filing system.

s/s Roger Bendelac
Roger Bendelac, Pro Se